

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STANDARD TANKERS BAHAMAS LIMITED

Plaintiff

- against -

INDUSTRIAL CARRIERS, INC., CLASSIC
MARITIME, INC. and JANE and/or JOHN DOE,

Defendants

08 Civ. 10561 (JSR)

SULLIVAN DECLARATION

John J. Sullivan, an attorney duly admitted to practice before this Honorable Court, declares under penalty of perjury pursuant to 28 U.S.C. § 1746, as follows:

1. I am a member of the law firm of Hill Rivkins & Hayden LLP, counsel for plaintiff STANDARD TANKERS BAHAMAS LIMITED (“Standard”) in the above-captioned action, and as such am fully familiar with this case. I make this Declaration from my own personal knowledge and information in support of Standard’s Motion for Summary Judgment and Leave to Make Deposit in Court pursuant to Fed. R. Civ. P. 67.

2. Attached hereto as Exhibit 3 is a true and accurate copy of an affidavit of service, dated January 6, 2009, demonstrating service of the summons and complaint in this action upon CT Corporation System, the registered agent for service of process of Defendant INDUSTRIAL CARRIERS, INC. (“Industrial”).

3. On February 11, 2009, I wrote via e-mail to the law firm Goyios & Nassikas, located in Piraeus, Greece, and whom I was advised was counsel for Industrial in connection with bankruptcy proceedings Industrial had filed in Piraeus. I asked Messrs Goyios & Massikas to confirm receipt of the communication and to advise whether counsel for Industrial would

appear at the initial pretrial conference scheduled in this action for February 18, 2009. I also attached copies of the complaint and scheduling order to my message for their reference. A true and accurate copy of my email is attached hereto as Exhibit 4.

4. On February 13, 2009, I received confirmation from Antonios Koutsofios at Goyios & Nassikas that Industrial had filed for bankruptcy and that the Court of Piraeus heard its petition on November 25, 2008. A true and accurate copy of Mr. Koutsofios' e-mail is attached hereto as Exhibit 5.

5. On February 26, 2009, I wrote to Messrs Goyios & Nassikas once again, asking them to confirm the Court of Piraeus' rejection of Industrial's bankruptcy petition. Mr. Koutsofios responded on March 4, 2009, confirming the rejection, as well as Industrial's intention to appeal, and advised that Industrial's appeal had been scheduled for a hearing on May 29, 2009. True and accurate copies of the e-mails are attached hereto as Exhibit 6.

6. Attached hereto as Exhibit 7 is a true and accurate copy of the Waiver of Service of Summons, dated February 18, 2009, signed by counsel for defendant CLASSIC MARITIME, INC., Ms. Gina M. Venezia of Freehill Hogan & Maher LLP, in this action.

7. Industrial has not answered Standard's complaint or otherwise appeared in this action.

8. Simultaneous with the filing of these motion papers, my office will arrange for service of all motion papers upon Industrial by way of service upon CT System, its registered agent, with courtesy copies to Industrial's counsel in Greece, Messrs. Goyios & Nassikas.

9. Attached as Exhibit 8 hereto is a proposed form of order, permitting deposit into the court registry and for summary judgment. Counsel for Classic has reviewed the proposed order and suggested changes, which Standard has incorporated.

I declare, under penalty of perjury, that the foregoing is true and accurate.

Dated: New York, New York
May 20, 2009

By:



John J. Sullivan

45 Broadway, Suite 1500
New York, NY 10006
(212) 669-0600